

Message Text

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ORIGIN L-03

INFO OCT-01 EUR-25 EA-11 IO-14 ISO-00 EB-11 AID-20 INT-08

COME-00 TRSE-00 OIC-04 CEA-02 CIAE-00 DODE-00 FRB-02

H-03 INR-10 LAB-06 NSAE-00 NSC-07 PA-04 RSC-01

CIEP-02 SS-20 STR-08 TAR-02 USIA-15 PRS-01 SP-03

FEA-02 OMB-01 SWF-02 /188 R

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DRAFTED BY L:SMSCHWEBEL:CDJ
APPROVED BY IO/CMD:JMCDONALD
IO/CMD:AYODER
EB/IFD/OIA:MKENNEDY
EUR:JDRENDAHL

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P R 242159Z APR 74
FM SECSTATE WASHDC
TO AMEMBASSY LONDON PRIORITY
AMEMBASSY PARIS
AMEMBASSY BONN
AMEMBASSY ROME
AMEMBASSY BRUSSELS
AMEMBASSY THE HAGUE
AMEMBASSY COPENHAGEN
AMEMBASSY LUXEMBOURG
AMEMBASSY DUBLIN
AMEMBASSY STOCKHOLM
AMEMBASSY OSLO
AMEMBASSY TOKYO
AMEMBASSY WELLINGTON
AMEMBASSY CANBERRA
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INFO USMISSION USUN NEW YORK

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E.O. 11652:N/A

TAGS: EGEN, ECOSOC, UNGA

SUBJECT: PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES

1. DEVELOPING COUNTRIES AT CURRENT SPECIAL SESSION OF UN GENERAL ASSEMBLY ARE PRESSING FOR ADOPTION OF A DECLARATION OF PRINCIPLES WHICH CONTAINS STATEMENTS ON PERMANENT SOVEREIGNTY OVER NATURAL RESOURCES WHICH ARE UNACCEPTABLE TO USG. PARA 3 (E) OF CURRENT VERSION OF LDC DRAFT AFFIRMS THE RIGHT OF NATIONALIZATION AND IN RESPECT OF IT MAINTAINS THAT "EVERY COUNTRY HAS THE RIGHT TO FIX THE AMOUNT OF POSSIBLE COMPENSATION AND MODE OF PAYMENT, WHILE POSSIBLE DISPUTES HAVE TO BE SOLVED IN ACCORDANCE WITH THE DOMESTIC LAWS OF EVERY COUNTRY." THIS DRAFT THUS SPEAKS MERELY OF "POSSIBLE" COMPENSATION, DOES NOT CONDITION ITS AMOUNT OR MODE ON MEETING THE REQUIREMENTS OF INTERNATIONAL LAW, AND SUBJECTS DISPUTE SETTLEMENT ONLY TO NATIONAL LAW APPARENTLY EXCLUDING INTERNATIONAL PROCESSES. ON ALL THESE COUNTS, IT CONFLICTS BOTH WITH ESTABLISHED U.S. POLICY AND UNGA RES 1803 (XVII), WHICH IN 1962 ATTRACTED BOTH LDC AND WESTERN SUPPORT. (SUBSEQUENT UN RESOLUTIONS, NOT SUPPORTED BY WEST, HAVE MOVED IN DIRECTION OF CURRENT LDC PROPOSALS DESCRIBED ABOVE.)

2. WHILE IT MAY BE THAT, IN ORDER TO PROMOTE CONSENSUS ON A DECLARATION OF PRINCIPLES, LDCS MAY DECIDE TO OMIT SUCH DETAILED AND PREJUDICIAL STATEMENTS ON PERMANENT SOVEREIGNTY, THIS REMAINS UNCERTAIN. IN THE EVENT THESE PROPOSALS ARE MAINTAINED, USG WILL CONTINUE TO OPPOSE THEM.

3. SUGGEST YOU DESCRIBE SITUATION TO FONOFF AND REQUEST THAT FONOFF INSTRUCT ITS GA DEL TO OPPOSE THESE LDC PROPOSALS IN EVENT THAT LDCS MAINTAIN THEM. ISSUE COULD COME TO A HEAD AT ANY TIME. KISSINGER

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Message Attributes

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